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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,772	10/31/2003	Deia Salah-Eldin Bayoumi	ABDT-0574/B030260	1826
23361	7590	02/12/2008		
ABB INC. LEGAL DEPARTMENT-4U6 29801 EUCLID AVENUE WICKLIFFE, OH 44092			EXAMINER PARKER, BRANDI P	
			ART UNIT 4137	PAPER NUMBER
			MAIL DATE 02/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,772	Applicant(s) BAYOUMI ET AL.	
	Examiner BRANDI PARKER	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/4/2004, 5/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Claims 1-20 are pending in this Office Action.
2. This Office Action is given Paper No. 20080204 for reference purposes only

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Agrusa et al (US 2004/0024891).

3. With respect to substantially similar **claims 1, 8, 9, and 10**, Agrusa teaches a computer-implemented method of reassigning jobs in a manufacturing system, comprising: receiving status data relating to a first manufacturing machine scheduled to perform a job; determining whether the status data indicates the first manufacturing machine is unavailable to perform the job; and if the status data indicates the first manufacturing machine is unavailable, identifying a second manufacturing machine operable to perform the job, and reassigning the job from the first manufacturing machine to the second manufacturing machine (paragraphs 0047, 0050, 0069).

4. As to substantially similar **claims 2, 3, 6, 7, 11 and 12**, Agrusa teaches the method of claim 1, wherein receiving status data relating to a first manufacturing machine comprises receiving data indicating the first manufacturing machine is malfunctioning, transmitting instructions to schedule the job for performance at the second manufacturing machine and update a schedule to indicate the job has been reassigned from the first manufacturing machine to the second manufacturing machine. (paragraph 0049).

5. Regarding **claim 4**, Agrusa teaches the method of claim 1, wherein determining whether the status data indicates the first manufacturing machine is unavailable comprises querying a database to determine a meaning for the status data (paragraph 0053).

6. With respect to **claim 5**, Agrusa teaches the method of claim 1, wherein identifying a second manufacturing machine operable to perform the job comprises querying a database for a machine operable to perform the job (paragraph 0051).

7. **Claims 13 and 15-20** contain similar limitations as the claims provided above and therefore are rejected under the same rationale.

8. As to **claim 14**, Agrusa teaches the method of claim 13, wherein maintaining a database identifying characteristics of a plurality of manufacturing machines comprises maintaining a database comprising data specifying the functional capabilities of a plurality of manufacturing machines (paragraphs 0059 "...type given as a redundant server...", 0069, 0070 and 0073, figure 14).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnstone et al (4472783).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI PARKER whose telephone number is (571)272-9796. The examiner can normally be reached on Mon-Thur. 8-4pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI PARKER/
Examiner, Art Unit 4137

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 4137